

ORDERED AND ADJUDGED that Kingvision Pay Per View Ltd., the Plaintiff, does recover jointly and severally of **DAN LAWSON, Individually,**

- 1) under 47 U.S.C. § 605(e)(3)(C)(i)(II) in the sum of TEN THOUSAND DOLLARS (\$10,000.00)
- 2) and under 47 U.S.C. § 605(e)(3)(B)(iii) costs and Attorney fees of ONE THOUSAND ONE HUNDRED SEVENTY EIGHT DOLLARS AND TWENTY FIVE CENTS (\$1178.25)

and it is further

ORDERED AND ADJUDGED that Kingvision Pay Per View Ltd., the Plaintiff, does recover jointly and severally of **DESTINY BAR, INC. d/b/a OLD PINEVILLE CAFÉ**,

- 1) under 47 U.S.C. § 605(e)(3)(C)(i)(II) in the sum of TEN THOUSAND DOLLARS (\$10,000.00)
- 2) and under 47 U.S.C. § 605(e)(3)(B)(iii) costs and Attorney fees of ONE THOUSAND ONE HUNDRED SEVENTY EIGHT DOLLARS AND TWENTY FIVE CENTS (\$1178.25)

and it is further

ORDERED AND ADJUDGED that pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, there is no just reason for delay in this Default Judgment as the interest of justice requires the issuance of judgment as requested without further delay.

Concerning the Plaintiff's claim for punitive damages under 47 U.S.C. § 605(e)(3)(C)(ii), as the Plaintiff concedes in its brief, such damages may be awarded only where the Defendants' conduct was "willful and for commercial advantage," which is typically proven by establishing that the Defendants' customers were required to pay a "cover charge." The Plaintiff's auditor expressly avers, however, that he did not pay a cover charge when he entered the Defendants' establishment, and there is no evidence that a cover or other price of admission was charged to other customers on the night in question. Accordingly and notwithstanding the Plaintiff's generalized allegations that the Defendants' conduct was willful and for commercial advantage, the undersigned will decline to

impose punitive damages.

SO ORDERED, ADJUDGED AND DECREED.

Signed: March 24, 2006

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

